



PATENT
Attorney Docket No. 11006.00
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #6

In re Patent Application of:

Urs MOSIMANN et al.

Examiner: Not Yet Assigned

Serial No. 09/848,105

Art Unit: 3764

Filed: May 2, 2001

For: EXERCISE DEVICE WITH BODY
EXTENSION MECHANISM

**PETITION
REGARDING ALLEGEDLY OMITTED FIGURES 4 AND 10**

Box MISSING PARTS
Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the alleged omission of Figures 4 and 10 mailed on June 29, 2001, in conjunction with a Notice to File Missing Parts, enclosed are the following:

1. Substitute drawings in compliance with 37 C.F.R. 1.84;
2. Copy of the Application as filed on May 2, 2001, including Certificate of Mailing, original drawings and Appendix;
3. Copy of Notice to File Missing Parts of Non-Provisional Application – Filing Date Granted dated June 29, 2001; and
4. Check in the amount of \$130.00 for the Petition Fee.

The Commissioner is hereby authorized to charge any deficiencies in the above-noted fees to Deposit Account No. 04-1415.

Applicants are not responding to the Notice to File Missing Parts at this time.

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DEC 17 2001

Applicants hereby petition the Commissioner to consider the following with respect to the alleged omission of Figs. 4 and 10 from the application as filed. Applicants also are submitting the appropriate fee of \$130.00 with this Petition.

The Notice to File Missing Parts indicated that Figs. 4 and 10 appear to have been omitted from the application as originally filed. Applicants respectfully submit Fig. 4 was inadvertently misnumbered as a second Fig. 3, and Fig. 10 was actually submitted with the Appendix to the application. Enclosed is a copy of the application as originally filed. On drawing sheet 3 of 7, Fig. 4 is incorrectly labeled at the bottom of the page. The substitute drawings submitted herewith correct this typographical error.

Fig. 10 was initially submitted as a part of the Appendix. As can be seen from the copy of the application as originally filed, Fig. 10 is shown as page 4 of the Appendix. The Certificate of Mailing also references Fig. 10 as being a part of the Appendix. The substitute drawings include Fig. 10 as a new sheet 8. This sheet contains the exact same Fig. 10 as submitted with the original application.

As such, the application as filed did in fact include Figs. 4 and 10. Thus, Applicants, under paragraph I of the Notice to File Missing Parts, contend that the above-noted omitted items were in fact deposited in the Patent and Trademark Office with the non-provisional application papers. A refund of the enclosed petition fee of \$130 is hereby requested.

August 27, 2001



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